



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 27, 2006, at 7:00 p.m.

The meeting was called to order at 7:07 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Paul C. Dotson
Councilman Bob Best
Councilman Xavier Garcia
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
City Planner Richard E. Ventura
Public Services Director Denise Yoezle
City Clerk Magalí Valls

2. Invocation: Vice Mayor Dotson offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Pioneer Resident Award – Helen Bogatay

Helen Bogatay was unable to attend due to illness.

3B) Pioneer Resident Award – Janet Martin

Mayor Bain presented the Pioneer Resident Award to Janet Martin for her many valuable contributions as a resident for 51 years.

Ms. Martin introduced her family and friends who were present.

(3C was presented after 3D)

3C) Certificate of Sincere Appreciation – Anchor Club of Miami Springs

On behalf of Mayor Bain, Councilman Garcia presented a Certificate of Appreciation to the Anchor Club of Miami Springs.

Councilman Garcia praised the Miami Springs Senior High School Anchor Club volunteers for their work and effort to help load boxes of food into vehicles that were sent to storm victims in the Gulf Coast.

3D) Status Report by Jo Ellen Morgan Phillips Regarding Curtiss Mansion, Inc.

Jo Ellen Morgan Phillips, President of Curtiss Mansion, Inc. recognized CMI Board members Nikki Jester, Susan Stinson, Ruth Jones, Carol Foster, Mary Ann Goodlett-Taylor, former Councilwoman Helen Gannon, and former Mayor Richard Wheeler.

Ms. Morgan Phillips reported that the Metropolitan Planning Organization (MPO) funding for \$1MM will be available in July 2006. She stated that City Attorney Jan Seiden and one of the CMI Board members visited the County to make sure that the contract for the County General Obligation Bond proceeds was in order. She explained that CMI received a list of documents that the County needs. \$1MM will be available in April.

Ms. Morgan Phillips stated that CMI is planning a Community Workshop at the Woman's Club on Tuesday, March 21, 2006 at 7:00 p.m. for the purpose of receiving community input. County Commissioner Rebeca Sosa and State Representatives are invited to attend. Following the workshop, the designers will finish the inside of the Curtiss Mansion in order to be able to proceed with the construction.

Ms. Morgan Phillips said that since August 23, 2006 is the 80th Anniversary of the City of Miami Springs, she felt that it would be a good idea to begin shoveling dirt that day.

Ms. Morgan Phillips said that Mayor Bain put her in touch with American Airlines and they are considering a donation because of Glenn Curtiss and his link to aviation. She explained that usually they donate a set of tickets after waiting 30-days.

Ms. Morgan Phillips stated that Councilman Garcia notified her that a representative from Senator Nelson's office visited Miami Springs and she submitted a lot of information about the Curtiss Mansion to his office, including an appropriation form requesting \$2MM. She is hoping for positive results since Senator Nelson is a former astronaut.

Ms. Morgan Phillips invited Council to attend the March 21st Community Workshop.

Mayor Bain said that he would like to extend thanks to Jose Abreu who made it possible to contact American Airlines.

Ms. Morgan Phillips stated that during the last four years that CMI has been able to raise \$4MM through in-kind donations and cash, and she does not believe that a group of volunteers have ever handled a project of this magnitude.

3E) Skin Cancer Awareness Presentation by Catherine F. Hibbitt

Catherine F. Hibbitt gave a PowerPoint presentation regarding skin cancer awareness. She explained that her inspiration for her project came from her neighbor Nancy Sobrino who died of malignant melanoma in 2004, which is the most common cancer in young women age 25 to 29.

Ms. Hibbitt stated that her proposal to the City is to install a canopy over the upper pool deck, to place several sun protection factor umbrellas on the pool deck and to install warning signs urging children and adults to use sunscreen and wear protective clothing. In addition, she would like the City to install shelters at each field to offer shade to the spectators and the players.

Councilman Best praised Ms. Hibbitt for her presentation and urged Council to consider her proposal.

Councilman Youngs asked the City Manager to work with Ms. Hibbitt in considering the proposals for screening and umbrellas. He added that a brochure could be placed in the utility bills during the month of May, which is skin cancer awareness month.

City Manager Borgmann stated that County Commissioner Rebeca Sosa contacted the City to offer available funds for recreational projects and Parks and Recreation Director Patricia Perry was considering some of the same ideas for shade because many trees were lost at the parks. He said that the protective covering at the pool is a big issue for many who have been active at the pool over the years and he will work to find the sources for the products that will work the best.

3F) Status Report on Annexation by Councilman Youngs

Councilman Youngs said that he would like for Council to reach a consensus regarding annexation, to give direction to the City Manager or his designee to request an official status report from County Staff and to contact County Commissioner Rebeca Sosa about the City's annexation proposal.

Councilman Youngs stated that he would like to form an annexation strategy and to consider splitting the annexation application into two parts. The application includes Parcel B, which is the area south of the Abraham Tract that is not contiguous to Parcel C. Since the process has been stalled, the two areas could be considered independently in order to determine the cost benefits and whether or not it is feasible to move forward with one or the other, or both.

Vice Mayor Dotson said that he was under the impression that Parcel B was withdrawn from the land that the County is making available for annexation.

Councilman Youngs explained that the County Staff recommendation was that Parcel B should not be annexed, but it does not mean that it was removed from the table because the County Commission would have the final decision. He said that with a consensus from Council, he would like to know what were the County Staff objections and, if it is viable, to consider Parcel B in the City's application.

To answer Councilman Best's question, Councilman Youngs said that his second suggestion is to contact the Village of Virginia Gardens to ask what they would like to accomplish for annexation in view of the current status.

Vice Mayor Dotson said that there seems to be a consensus to obtain as much information as possible. He recalled that Miami Springs was offered two sections in Parcel C for annexation and he would like to obtain all the cost factors.

City Manager Borgmann stated that he had been in contact with County representatives over the last few weeks and unfortunately there have been some administrative changes. He said that Assistant County Manager Joe Ruiz and Assistant Director of Annexation Peter Velar who were in charge of annexation are being transferred to the Water and Sewer Department and the remaining contact is Robert Kirschbaum.

Mr. Borgmann said that he requested information regarding the public works projects in the proposed annexation areas and found that half are FEMA drainage programs, while others were funded by grants from Quality Neighborhood Improvement Projects (QNIP). He explained that he is trying to determine how much of the project costs the City would be responsible for if the land is annexed.

Vice Mayor Dotson asked the City Manager to keep Council informed about the annexation process because everything should be out in the open at this point in the process.

Councilman Youngs explained that nothing had transpired since April 2005, except for one meeting that was held last summer that Council was notified about in advance and they were informed about what happened immediately afterward. He reiterated that his purpose of raising this issue as an agenda item was for Council to reach a consensus about obtaining additional information. He would be happy to continue as the annexation representative, but he would not do anything without Council consent.

Vice Mayor Dotson stated that no one seemed to know when the County adopted the “Terminal” ordinance and he would like to see an even flow of available information because there is no longer a need to keep the information confidential.

Councilman Garcia stated that he questions the accuracy of the County estimates because it will determine the amount of mitigation that the City has to pay. He asked if the City could enter into an Interlocal Agreement with the County to set the final numbers.

City Attorney Seiden said that no agreements would be signed with the County unless the City independently reviews every number and the County would not intentionally mislead any of the cities. He felt that many of the mitigation issues were somewhat new to the County because incorporation is one issue, annexation is another and there seems to have always been a question at the County Commission level as to what is proper mitigation.

Attorney Seiden added that some of the newly incorporated cities have gone to the State Legislature to challenge the County’s ability to inflict mitigation costs as part of incorporation, which could impact annexation for the City. The upcoming County elections could have an impact as well as the changes in the County administration. He agreed that no one would want to go forward with annexation without complete and full information.

To answer Councilman Garcia’s question, Councilman Youngs stated that the mitigation is calculated by the County and set in a binding Interlocal Agreement and the amount cannot change after the resolutions are passed.

City Manager Borgmann stated that Councilman Garcia’s points are well taken because the statistics for a portion of Parcel B by the Miami Intermodal Center indicated a negative amount for mitigation and after further review by the County, the mitigation was changed to \$900,000 after the County included the Airport police services that patrol in that area. The City must make sure that the County is providing the absolute best numbers and that the figures are based on the correct formulas.

Mayor Bain said that he would give direction to Councilman Youngs and the Administration to proceed to gather all the information possible without spending any money. He said that the bottom line is that the County has control, they delayed the process and the City must be ready when the issue is brought back to the table.

Councilman Youngs stated that it would be beneficial to obtain more information and he would report back with the findings in order to be able to develop a good strategy.

4. Open Forum:

Commercial Zoning

Phil Bradley stated that he owns the property and adjoining lots at 657 South Drive. Upon placing a call to the City, he was informed that he could not build another commercial building on the property if it exceeds the square footage of the existing building, which is 1,600 square feet on a 22,500 square foot lot and he pays taxes totaling \$14,000 a year.

Mr. Bradley said that the Comprehensive Plan was adopted eight years ago and no one in the present or past Administration had considered developing the zoning regulations that would determine what landowners are permitted to do with their properties. This is a financial hardship.

Mr. Bradley accused the City Officials of mismanagement and negligence. He said that if the district boundary regulations had been implemented eight years ago that the City would have collected millions of commercial tax dollars. There is no definite plan for commercial zoning or development. If he does not get some satisfaction or answers soon, he would be filing a class action lawsuit against the City of Miami Springs.

Mr. Bradley requested to be placed on the agenda for the next meeting when his attorney can be present.

Councilman Garcia stated that Council held a Special Meeting on February 22, 2006 and set the direction to move forward and establish the zoning regulations for the Comprehensive Plan in order to correct the situation.

Mr. Bradley reiterated that the City is throwing away millions of tax dollars every year and it is time for Council to take responsibility and move forward.

Councilman Youngs stated that Council is aware of the problem and is committed to establishing the district boundary regulations for the Airport Highway Marine Business District. He invited Mr. Bradley to be involved in the process.

Vice Mayor Dotson said that he appreciated Mr. Bradley's input and his honesty about the problem. He is also very upset about the situation, there are no excuses to offer, and some issues were revealed last week that the entire Council should have known about. He pledged to begin the process as soon as possible and to start demanding specific reasons as to why it has not been done.

Councilman Best stated that he also appreciated Mr. Bradley's comments. He referred to the February 22, 2006 Special Council meeting when Council discussed the process for developing the district boundary regulations. He explained that Council wants to increase the tax base and they will work hard to make it happen.

Mayor Bain said that he spoke with City Planner Ventura and the City Attorney about expediting the process for developing the district boundary regulations for the Airport Highway Marine Business District. He explained that the Florida International University Metropolitan Center is going to present a timetable that will be available by the end of the week.

5. Approval of Council Minutes:

5A) 02/13/2006 – Regular Meeting

The minutes of the February 13, 2006 Regular Meeting were approved as written.

Councilman Garcia moved to approve and Vice Mayor Dotson seconded the motion, which carried unanimously on roll call vote.

6. Reports from Boards & Commissions:

6A) 02/08/2006 – Golf and Country Club Advisory Board – Minutes

Minutes of the February 8, 2006 Golf and Country Club Advisory Board meeting were received for information without comment.

6B) 02/09/2006 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the February 9, 2006 Board of Parks and Parkways meeting was received for information without comment.

6C) 02/14/2006 – Recreation Commission – Minutes

Minutes of the February 14, 2006 Recreation Commission meeting were received for information

without comment.

6D) 02/16/2006 – Historic Preservation Board – Minutes

Minutes of the February 16, 2006 Historic Preservation Board meeting were received for information.

Mayor Bain asked when the memorials were going to be completed because they had been postponed for six months or a year in some instances.

City Manager Borgmann explained that the memorials were going to be constructed in house and the project had been delayed due to hurricane related activities. He suggested that the work could be put out to bid, which could be more expensive and it could take longer.

Mayor Bain said that he would like to set a completion date for the memorials.

Councilman Best suggested that Memorial Day could be set for completion of the memorials.

6E) 02/21/2006 – Education Advisory Board – Minutes

Minutes of the February 21, 2006 Education Advisory Board meeting were received for information without comment.

6F) 02/22/2006 – Board of Appeals – Cancellation Notice

Cancellation Notice of the February 22, 2006 Board of Appeals meeting was received for information without comment.

6G) 02/23/2006 – Code Review Board – Cancellation Notice

Cancellation Notice of the February 23, 2006 Code Review Board meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda:

None.

9. Old Business:

9A) Recommendation that Council Approve an Expenditure of \$27,500.00 to Bermello, Ajamil & Partners of Miami for Design Services for the Canal Street Linear Park Project, to be Funded from the Florida Recreation Development Assistance Program (FRDAP) and the Miami-Dade County's People Transportation Tax Funds (Discussed: 2/13/2006)

City Manager Borgmann read the title of the award, which was tabled at the February 13, 2006 Council meeting for additional information.

City Manager Borgmann stated that Public Services Director Denise Yoezle and City Planner Richard Ventura were available to answer questions.

City Planner Ventura said that either Bermello Ajamil or Post Buckley Schuh and Jernigan (PBS&J) could satisfactorily perform the work. After careful review of the quotes they indicate that there are certain tasks that Bermello Ajamil is including that Post Buckley is indicating as reimbursable, which means that the design construction documents would be approximately the same cost when they are completed.

Mayor Bain asked if there could be a guarantee in the contract that no change orders would be permitted.

Discussion ensued regarding the previous design work that was done for Canal Street from Holleman's to the outgoing bridge.

Mayor Bain asked the City Planner if he could negotiate a price of \$22,000 with Post Buckley Schuh and Jernigan with a guarantee for no change orders.

Mr. Ventura explained that he could negotiate with PBS&J to include the reimbursable expenses if they want to be awarded the contract. He agreed that Bermello Ajamil and PBS&J are well known to the City and they are both capable of performing a good job. He added that Bermello Ajamil has an office in Miami Springs, which would reduce travel time.

Councilman Youngs said that he would be inclined to approve the City Planner's recommendation to award the contract to Bermello Ajamil because it is not a large contract and they performed the design work on Canal Street for the Florida Department of Transportation.

To answer Councilman Best's question, City Planner Ventura said that awarding the contract to Bermello Ajamil would be a good step to establishing a relationship with another design firm in addition to PBS&J.

Councilman Garcia said that the City should try to get the best possible price but considering the

additional tasks that Bermello Ajamil included in their contract, the two contracts are basically in the same price range. He asked City Planner Ventura which company he would recommend putting the cost aside.

City Planner Ventura said that this is a small-scale project and he would highly recommend Bermello Ajamil for a lump sum price of \$27,500 because the cost for PBS&J would increase after including the reimbursable tasks.

Mayor Bain stated that he would not want to pay additional funds to hire a new company when it might be possible that PBS&J would include the additional tasks for the same price.

Councilman Garcia added that there are other factors because Bermello Ajamil did the design work for the other portion of Canal Street across from Holleman's.

Vice Mayor Dotson said that the only way to compare the quotes would be if Bermello Ajamil could provide a figure for the tasks that PBS&J is calling reimbursable. He explained that including the reimbursable tasks it is possible that PBS&J would exceed the \$27,500.

Further discussion ensued regarding the difference between the two contracts with Bermello Ajamil and PBS&J.

City Attorney Jan K. Seiden stated for the record that the third quote submitted from Falcón & Bueno was lower. The City Planner submitted a memorandum justifying his reasoning for discarding that bid and Council considered and reviewed the information.

Mayor Bain stated that he would like to obtain the best price for the same services and both companies should submit a quote for the same services.

City Manager Borgmann explained that all companies received the same conceptual scope of work in the Request for Proposals and each company submitted their proposal for what it would cost them to design the best finished project, which is the blueprint for construction.

City Attorney Seiden commented that the figure submitted by PBS&J is \$23,625.

Councilman Youngs added that the \$23,625 quote from PBS&J does not include the reimbursable expenses, which are an undetermined amount and the quote from Bermello Ajamil is \$27,500 including those expenses.

City Planner Ventura suggested that Council could set a cap on the cost of direct reimbursable expenses.

To answer Councilman Youngs' question, City Planner Ventura estimated that PBS&J would

charge \$8,000 for direct reimbursable expenses.

Councilman Garcia moved to approve the award as recommended by City Staff to Bermello Ajamil & Partners of Miami in the amount of \$27,500.00 for design services for the Canal Street Linear Park Project with the stipulation that there are no change orders and the lump sum includes direct reimbursable amounts. Councilman Youngs seconded the motion.

Further discussion ensued regarding the Canal Street Linear Park Project design services.

City Manager Borgmann clarified that the funding sources are \$22,500 from the 2005-2006 FRDAP grant and \$5,000 from the proceeds of the People's Transportation Tax.

Councilman Best stated that he would be inclined to approve Bermello Ajamil because they provided the design services for the first phase of the project on the canal side.

Mayor Bain emphasized that Council should have been provided with all the information the last time the request was presented and Staff should have contacted PBS&J to determine the cost of the reimbursable expenses before this meeting.

Vice Mayor Dotson stated that he would vote for Bermello Ajamil, but he also agrees with Mayor Bain that the information could have been presented in a better fashion with support for not selecting the lowest bidder from the beginning. He explained that he would not vote for the highest bidder without having an excellent reason.

Further discussion ensued regarding the Request for Proposals (RFP) process for design services.

To answer the Mayor's question, City Planner Ventura clarified that the State sets the 15% maximum amount for design services per grant cycle.

Mayor Bain reiterated that it is important to have all the available information in order to make an informed decision. Council is voting without knowing what PBS&J would say about the cost of the reimbursable expenses.

On roll call vote the motion carried 4-1 with Mayor Bain casting the dissenting vote.

9B) Resolution – A Resolution of the City Council of the City of Miami Springs Establishing a New City Department of Golf; Providing a Budget for the New Department; Delineating Job Classifications and Salary Ranges for Golf Department Positions; Authorizing and Approving a Departmental Organization Chart; Establishing a Departmental Operational Beginning Date; Providing an Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Vice Mayor Dotson said that he would like a few questions answered in order to have a better understanding of how the Department will operate. His concern is that the Golf Course should be a self-sustaining entity and it should not be thought of as 40-hour a week job because holidays and weekends can be the busiest time at the Golf Course. Vice Mayor Dotson hopes that the person who is selected to head the department would work with the golf associations, especially the women and provide any suggestions or assistance to make them feel welcome.

Vice Mayor Dotson stated that the goal should be to make the Golf Course a break-even operation that is self-sustaining and can generate income. He stressed the importance of having a website for marketing purposes.

Vice Mayor Dotson hoped that the new Golf Manager would be allowed ~~cautioned not~~ to talk to the Council members when they visit the Golf Course. He said that Council has an obligation to obtain information, but not to run the Golf Course and he would like the Administration to encourage the new manager to be outgoing and to understand Council's requests.

City Manager Borgmann explained that there is no problem with Department Heads conversing with Council. He said that the problem begins when all five Council members are asking the same question, which is why any questions or concerns about departments should be brought to the City Manager so that he can provide the same information to all five Council members.

Vice Mayor Dotson said that if he sees a problem at the Golf Course that he would not call the City Manager.

City Manager Borgmann emphasized that anything that is wrong should be brought to his attention because he needs to know in order to be able to make sure everything is being done properly.

Vice Mayor Dotson clarified that he would only ask general questions about the operation and to keep the line of communication open.

Mr. Borgmann reiterated that when a Council member asks a question, he provides an answer to all five members.

Vice Mayor Dotson stated that when questions are raised, the probability is that the City Manager would be notified.

City Manager Borgmann agreed that when a Councilmember is asking questions that it could make an employee nervous or defensive. He wants to make sure that when there are serious issues about any of the departments that he is the contact person.

The City Manager is aware that Council speaks to the Police Chief and the Public Services Director on a regular basis, which is usually not an issue. He felt that corresponding with the Golf Department would probably not be an issue either. The Charter outlines how the government works and he would appreciate being “in the loop.”

Mayor Bain stated that he calls the City Manager before discussing business with the Department Heads.

City Manager Borgmann stated that he would review the March priorities as well as the priorities for the transition. He said that the first priority is to identify and hire a Golf Department Director that is friendly, outgoing, and responsive to programs for women and junior golfers. The hiring process is currently underway to hire as many of the current employees as possible if they pass the background checks and drug screening.

Mr. Borgmann stated that the Administration is developing and implementing new Golf Department policies and procedures and practices. He referred to a list of thirty-six items to be resolved.

City Manager Borgmann said that Council would have to approve a Golf Department budget and develop an 18-month plan to profitability. In addition, the Administration must make sure that nothing of importance “drops through the cracks” during the transition period.

Mr. Borgmann reviewed the following objectives for March:

- Complete transition issues and actions
- Implement website
- Initiate National Golf Foundation (NGF) Survey
- Arrange Tee Time fax booking
- Initiate Scott Jones Golfing School
- Initiate adult/junior monthly clinic/tournaments
- Complete planning details, contracts, etc., related to greens’ re-building if approved by Council
- Determine and present to Council upcoming seasonal pricing change effective mid-April
- Complete details for “three” levels of hotel/motel deals, and set-up GolfTrax to book them (deposits, etc.)
- Determine synergistic actions and implement them as soon as practical
- Negotiate pricing for both booked and to be booked tournaments
- Obtain input from available experienced professional (Scott Jones) regarding key initiatives
- Ensure that the Administration and top candidate for Golf Director have a clear understanding of priorities, objectives and respective roles
- Determine Golf and Country Club Advisory Board level of participation
- Complete implementation of range ball controls

- Determine and implement pro shop merchandise strategy
- Support facility grand re-opening and ribbon-cutting mid-March (banners, giveaways, etc.)
- Order uniform shirts for all Golf Department employees

Councilman Youngs moved to adopt the resolution and Councilman Garcia seconded the motion, which carried unanimously on roll call vote (Resolution No. 2006-3309).

9C) Consideration of Placing Waste and Sanitation Fees on the Annual Property Tax Bills (Discussed: 2/13/2006)

Dona Kelley of 830 Swan Avenue expressed her opposition to placing the waste and sanitation fees on the annual property tax bills. She felt that there could be better coordination between the rendering of bills and the receipt of social security checks.

(Mayor Bain called for a 5-minute recess at 9:30 p.m.)

Finance Director William Alonso stated that during the Council meeting of February 13, 2006, Council directed the Administration to research the possible cost savings/benefits of placing the waste and sanitation fees on the annual property tax bill. In discussions with the County, he learned that the County would assess a 1% collection fee for this service. In addition, taxpayers also receive discounts ranging from 1% to 4% depending on the payment month.

Mr. Alonso said that based on these factors, it was determined that the total cost to the City would be approximately \$73,800, including \$16,700 for the collection charge and \$57,100 in discounts for early payments. Another factor to consider is the interest earned by collecting the full amount of the revenues within the first five months of the fiscal year, which would be approximately \$19,390, resulting in a net cost to the City of \$54,410.

Finance Director Alonso stated that because the City would still process the monthly bills for the water and sewer services that there would be zero savings in the finance area.

Vice Mayor Dotson said that some people are better able to manage their bills on a monthly basis because they might not have the funds at the end of the year. He added that it would be not be beneficial for the City to lose money.

Councilman Garcia encouraged Council to continue to investigate new ideas. He said that now that the facts are available it is clear that there is no benefit in making a change and he is satisfied with the information.

9D) Consideration of In-House Tree Work Citywide (Requested by Councilman Best)

Councilman Best stated that he requested information regarding the feasibility of having an in-house tree cutting operation that would fall under the supervision of the Public Works Department. He said that Public Services Director Yoezle estimated that the total cost to hire and equip two additional full time crews could cost as much as \$577,000. This amount is not included in the budget.

Councilman Best complimented Public Services Director Yoezle for her breakdown of equipment and labor. He asked her to review the information that was submitted to the City Manager in her memorandum dated February 21, 2006.

Public Services Director Yoezle said that the total price of \$577,000 would cover two 3-person crews, two flat bed trucks, additional bucket trucks, chipper bed bucket trucks, chippers, stump grinders, hydraulic pole saws, and one Crew Foreman.

To answer Vice Mayor Dotson's question, Ms. Yoezle clarified that she did not include employee benefits in her estimate for the two crews or the foreman.

Councilman Best asked how much is budgeted for outside tree trimming services.

Ms. Yoezle said that normally \$100,000 to \$150,000 is budgeted for tree trimming each year, which means that it would take five years to break even.

City Manager Borgmann explained that there are Public Property crews that perform tree trimming work and unfortunately they are pulled from this work to perform other duties related to water, sewer or trash service. There is currently a shortage of utility workers in the sewer department and the department is being staffed from employees in other divisions.

Councilman Best stated that the hurricane season is four months away and he would like to focus on future plans. It is important to keep the trees trimmed and properly pruned in order to avoid wind damage.

Vice Mayor Dotson commented that salaries for two crews would cost approximately \$300,000 every year so there would never be a breakeven point.

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Ms. Yoezle answered the Mayor's questions regarding various Public Works' projects taking place within the City. The Mayor pointed out that the storm water contractor was taking water from the fire hydrants.

City Manager Borgmann stated that the contractor was warned not to take water from the hydrants unless the water is metered. He asked to be notified immediately of any violations.

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Mayor Bain inquired about the ten damaged trees that were being monitored to see if they grow back.

Public Services Director Yoezle stated that ten damaged trees were identified and photographed that were in need of corrective pruning or removal. She did not recall that Council gave direction to hat rack ten trees, which is against the law in the County and the City of Miami Springs.

Further discussion ensued regarding the damaged tree experiment and the trees that the Mayor identified on Hunting Lodge Drive.

Nery Owens of 332 Payne Drive stated that her notes from the meeting indicated that Mayor Bain requested a list of the trees that are blown apart and he asked to leave them alone to see what happens.

Council discussed whether or not the damaged trees should be hat racked to see how they will grow back.

Mayor Bain reiterated that the Administration was directed to experiment with ten hat-racked trees and it is now Council's decision whether to pursue the request or not.

City Manager Borgmann said that ten trees were identified as trees that basically needed to be removed because they were rendered non-viable by the storm. He stated that many of the trees have branches that might break off in the next storm, which is a safety concern and it might be reasonable to remove the damaged branches. This would allow enough time for Council to see what happens to those trees in the course of the next year.

Councilman Youngs stated that Council is asking Public Services Director Yoezle to divert resources in order to properly hat rack the trees so that the experiment can be conducted.

To answer Vice Mayor Dotson's question, Ms. Yoezle clarified that the hazardous branches had been trimmed.

Vice Mayor Dotson was hopeful that as a result of the experiment that some trees could be saved

and provide shade.

Ms. Yoezle offered to provide data from previous studies and to reassess the trees to see if there are additional safety issues.

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9E) Discussion Regarding Multifamily Uses of Single Family Residences

City Manager Borgmann stated that he wanted Council to be aware of upcoming Code Compliance activities, which Assistant City Manager Gorland would review further.

Mr. Borgmann said that legislation was passed approximately three years ago to institute procedures that require every single family home that is sold in the City to receive a Certificate of Re-occupancy. The process was implemented to verify that single-family homes have not been illegally subdivided into two distinct units; however, it does not allow any further code violation investigation.

Mr. Borgmann explained that the Code Compliance Department would begin more aggressive enforcement based on the law that enables the use of prima facie evidence to determine whether or not a dwelling is being used for purposes other than a single-family residence. The process of renting a room within a home does not constitute a violation of the ordinance as long as there are no separate entrances or facilities.

City Manager Borgmann stated that excess mailboxes or electrical meters would indicate that there could be a secondary use or illegal situation. Affidavits from a neighbor or realtor who is aware of a separate living unit could also be utilized as evidence.

Assistant City Manager Ron Gorland stated that in addition to being a code violation, the increasing number of multiple families in single-family residences could become a major hidden contributor to increasing density. For this reason, he recently re-activated the Multiple Family Task Force, including City Attorney Jan Seiden, Code Compliance Officer Tex Ziadie, Lieutenant Mike Cole, Lieutenant Jon Kahn, Public Services Director Denise Yoezle, and himself.

Mr. Gorland asked the Code Compliance Officers to conduct an informal survey of the City in an effort to try to determine the potential magnitude of this problem, which is becoming more widespread. The Code Compliance Officers compiled a list of 274 residences that potentially

meet the profile for multiple family use.

Assistant City Manager Gorland said that with the escalating property values, low-income housing is difficult to find and people are looking for additional revenue. The problem has compounded over the last four years and now measures must be taken to enforce the Code. The Administration would like Council's direction and understanding of what is involved to go forward.

Assistant City Manager Gorland stated that Attorney Seiden had set forth guidelines for documentation. He said that enforcement is going to take a great deal of effort and the best approach would be to make the public aware of what constitutes an illegal use of a single-family residence.

Discussion ensued regarding the profiles for multiple family use and the difficulty of enforcing the law without having the documentation for a perfect case.

City Attorney Seiden stated that the Administrative Staff needs Council's support before they begin to enforce an ordinance which is very difficult to enforce, and is based on a county process. The first time a case comes up and a constituent comes to Council to argue their point, Council must uphold the ordinance.

Attorney Seiden explained that it is difficult to prove illegal use because City officials are not allowed to go onto private property or make inspections. The county developed the fourteen indicia as a method by which they can create a presumption that there is a violation, which allows them to go forward with a case and for the landowner to rebut it.

Vice Mayor Dotson stated that he would support enforcement of the ordinance as long as Staff handles the process legally and professionally.

City Manager Borgmann reminded Council of the public relations problem that occurred with the enforcement of the ordinance restricting the height of hedges. He said that the Administration took an oath to enforce the ordinances and they want to make Council aware of this new enforcement project, which is far greater than the hedges.

Councilman Garcia said that he appreciated being notified about the project, although no approval is needed to enforce the Code. He asked why the ordinance had not been enforced.

Assistant City Manager Gorland explained that the property owner is notified with a form letter when Staff becomes aware of a potential violation. The main idea has been prevention and educating residents by circulating a brochure because the enforcement takes a great deal of time and effort.

Councilman Garcia encouraged the Administration to move forward to actively and aggressively

enforce the ordinance.

Mayor Bain and Councilman Youngs offered their support for enforcement of the ordinance.

Attorney Seiden commented that he received calls from realtors asking if they can advertise rentable units in the rear property. He takes note of the property address and informs them that it is illegal to change a single-family residential community into a multi-family residential community in an R-1 District.

To answer the Mayor's question, Attorney Seiden clarified that some units are grandfathered for usage by family members but not for rental use. He added that detached structures are permitted as recreational rooms, garages, etc. and they are sometimes the cause of violations.

City Manager Borgmann stated that the City allows the detached structures for limited use and the owner is required to sign an affidavit that the structure will not be rented. Once the property is sold, there is a question of whether or not the affidavit still applies.

Assistant City Manager Gorland stated that the intention is to stop future violations, educate the public, and handle those property owners that refuse to comply by presenting a case to the Code Enforcement Board.

By consensus, Council agreed to support the Administration in their efforts to enforce the ordinance prohibiting the creation and usage of illegal multi-family dwelling units.

10. New Business:

10A) Approval of Budget Transfers Within Departments

City Manager Borgmann stated that Council approval is being requested for seven budget transfers within various departments.

Councilman Youngs moved to approve the budget transfers and Councilman Best seconded the motion.

Vice Mayor Dotson asked if the \$5,000 transfer from Streets Fleet to Fleet Operations in the amount of \$5,000 was for the fleet maintenance repair operation for additional equipment or supplies.

Public Services Director Denise Yoezle clarified that the transfer covered the purchase of essential tools and equipment for the fleet maintenance operation in order to function professionally.

On roll call vote the motion was unanimously carried.

10B) Presentation by Mark Safreed of the Golf and Country Club Advisory Board Regarding Champion Turf

Golf and Country Club Advisory Board member Mark Safreed presented the Board's recommendation for Champion Turf. He asked Council if they were familiar with the product information that was included in the minutes of the Golf and Country Club Advisory Board and in a report from Agronomist Larry Weber.

Councilman Youngs stated that he was familiar with the information and looking forward to receiving more details in the presentation.

Mr. Safreed reported that Champion Turf is a hybrid Bermuda grass that is planted on the putting surface greens. The application does not require the total rebuilding of the greens, which is more cost effective and it is a very good putting surface. It was first thought of as a "band-aid" approach to fixing the problem but further research indicates that it is a viable option and a reasonably priced method of improving the overall quality of the Golf Course.

Vice Mayor Dotson moved to extend the meeting until 11:15 p.m. and Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

Mr. Safreed said that the Golf and Country Club Advisory Board is charged with the duty of recommending ways to creating a viable, revenue neutral Golf Course. The Golf Course has never been able to cover the basic operating costs, as well as the capital expenses or improvements to the course.

Mr. Safreed presented information on the overhead screen showing the revenues, expenses and losses from 2002 through 2005. The Board decided to research ways of generating additional revenue to make a breakeven operation for the City.

Upcoming capital expenses include \$100,000 per year for equipment, irrigation system repairs, and improvements to the tees, bunkers, cart paths and trees, according to Mr. Safreed. There is no way to meet the funding needs with the current operational revenue and management model. The position of the Golf and Country Club Advisory Board is that creating a better product and marketing the product will increase revenue. He explained that the Golf Course does not have the quality or caliber of play to keep the golfers coming back.

Mr. Safreed stated that the Golf and Country Club Advisory Board strongly recommends the

resurfacing of the putting greens with Champion Turf in the amount of \$45,000 for the sprigs and application to eighteen greens, the practice greens and the nursery green. In addition, the application would extend the size of the greens by 10%.

Mr. Safreed reported that Larry Weber recommended the tilling of the greens and the Champion representative agreed because some have subsoil problems. He explained that the actual tilling would cost more than the application of the new grass.

Mr. Safreed said that one option would be to apply the grass to 100,000 square feet of greens for \$50,000, which amounts to fifty-cents per square foot. Another option would be to apply the grass to only six greens that absolutely require improvement, which would cost approximately \$17,000. The minimum cost would be \$62,000 or \$95,000 for all eighteen greens, including tilling.

All eighteen greens should be improved in order to avoid any inconsistencies in the putting service, according to Mr. Safreed. He said that the representative from Champion Turf advised the Board that there are six greens that need improvement but he was not selling the idea for all eighteen.

Councilman Garcia asked if there was a general consensus of the Golf and Country Club Advisory Board to go forward with all eighteen.

Mr. Safreed clarified that the Board wanted Council to consider the recommendation for Champion Turf. He said that if the additional \$33,000 is a deciding factor the Board would accept six holes instead of eighteen but they feel strongly that work needs to be done.

Councilman Youngs asked if there could be any benefit by trying a portion of the Golf Course as an experiment to see if the application provides good results.

Mr. Safreed stated that the evidence shows that Champion Turf is a substantial product and there are more than a dozen golf courses that approve of the product. The Professional Golf Association (PGA) also has a position on the product.

Mr. Safreed explained that play would be curtailed in some fashion for approximately two months during the summer when revenue is down. Considering lost revenue, the total project cost would be a minimum of \$178,000 and maximum of \$211,000 for tilling all the greens. There could be some cost savings by not closing the Golf Course down completely, keeping the driving range open or the possibility of installing temporary greens.

Mr. Safreed stated that the determining factor is whether or not the product would increase revenue. After calling many golf courses, every course increased both rounds and revenues, although he does not have specific numbers. Another golf course in South Carolina doubled their memberships along with promotional marketing, while a golf course in Tennessee increased

their rounds by 28%.

Considering direct savings, the Champion Greens do not require over seeding during the cooler months when the greens cannot be cut during the growing period of two to three weeks, according to Mr. Safreed. This would increase the revenue during the month of November by having a better putting service year-round.

Mr. Safreed reported that Champion Turf could increase the number of annual rounds from 37,000 to 40,000 and add \$2.00 to the cost per round. This would total an annual increase of \$80,000 that would give a return on the investment in 22-28 months.

Golf Superintendent Sandy Pell stated that the greens are in desperate need of resurfacing because they are past their extended life and they are more difficult to maintain from a cost and labor perspective. She explained that in order to increase revenue the Golf Course must provide the public with a better playing surface.

Vice Mayor Dotson said that it would cost \$2MM to \$3MM to make improvements to the greens in the traditional manner.

Ms. Pell agreed that Vice Mayor Dotson was correct because the work entails new soil, irrigation systems, and renovations that can be avoided with the application of Champion Turf.

Vice Mayor Dotson asked how long the Champion Turf application would last.

Ms. Pell stated that in checking with other golf courses that have used this product for more than six years she feels that it will last a long time if it is properly maintained. The grass has a shallow root system, the course has a muck base and the roots grow laterally, which would be perfect.

**

Councilman Garcia moved to extend the meeting until 11:30 and Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

**

Ms. Pell explained that both she and Agronomist Larry Weber were apprehensive about the product until speaking with people who have used it and it looks like it is a very good product that will be a wise investment.

Councilman Youngs inquired how long Champion Turf had been in existence and how long the

application lasts.

Ms. Pell responded that one golf course had the grass for seven years and it was still doing very well.

Mr. Safreed knows of one course that applied the grass in 1991 and it is still viable. The actual hybrid was developed in the 1980's and Champion Turf began commercial applications in 1991.

Mr. Safreed stated that 25% more revenue must be generated for the Golf Course operation to breakeven. The Golf and Country Club Advisory Board recommends saving the funds that are being spent to maintain the current greens and purchasing a product that will make a return on the investment. He mentioned that no capital investments had been made in the Golf Course except for the cart path renovations in 1997.

Mr. Safreed said that many golf courses are closing due to the declining market, golfers will be looking for a new place to play and they could be attracted to Miami Springs with the improved greens. Since the traditional method of rebuilding the greens is very expensive the Board is very excited about Champion Turf, which is a viable long-term solution that is becoming the premier putting surface in golf.

Mr. Safreed added that the PGA is converting all four of their courses in St. Lucie to Champion Turf and the Tournament Player's Courses (TPC) would be using it for their new courses.

To answer Councilman Garcia's question, Mr. Safreed said that he is not aware of any courses that had to resurface the grass after the original application. There were problems with some courses that had inferior subsoil that could not support the grass and they were repaired. Champion Turf has an excellent reputation and they stand behind their product, according to Mr. Safreed.

Mr. Safreed estimated that the application would require closing the greens for six to eight weeks. However, there have been some cases where the grass grew in sooner.

In closing, Mr. Safreed strongly recommended that Council consider investing in Champion Turf.

Finance Director Alonso presented a comparative chart showing the cost and payback period for six greens and eighteen greens. The cost ranges from \$62,000 to \$95,000, with lost revenue estimated at \$70,000 during the eight-week period. Marketing for re-opening the greens is estimated at \$10,000 and the cost for temporary greens would be \$5,000.

Mr. Alonso estimated \$147,000 for the six tilled greens and \$180,000 for eighteen tilled greens. Based on the projections that rounds would increase 10% and the cost per round would be \$2.00

more, it would generate an additional \$80,000 per year. He said that the estimates are very conservative because some courses have reported a 28% increase in rounds with the new turf. The pay back period is 22 months for six and twenty-eight months for eighteen.

To answer Mayor Bain's question, Mr. Alonso confirmed that the purchase cost could be financed.

Councilman Youngs asked if there is a certain time of the year that is better to install the turf.

Mr. Safreed responded that the installation should take place during the summer months when the Bermuda grass is active. He added that Champion Turf is booked next summer during May, June and July and the application would have to be later during the year, which is not a problem in south Florida because grass grows until October.

**

Vice Mayor Dotson moved to extend the meeting until 11:45 p.m. and Councilman Garcia seconded the motion, which carried unanimously on voice vote.

**

Golf Superintendent Sandy Pell stated that it is better to apply the turf earlier in the growing season before the threat of hurricanes in August or September.

To answer Councilman Youngs' question, Ms. Pell recommended the turf and tilling for all eighteen holes at the same time to ensure consistency. She said that because Champion Turf is a shallow rooted grass that it would not be necessary to remove the muck under the greens.

City Manager Borgmann asked if Champion Turf would do the tilling.

Mr. Safreed explained that a separate contractor would perform the tilling, which is estimated at fifty-cents per square foot.

Mr. Borgmann stated that it would be appropriate for Council to direct Staff to move forward with the plan and to come back with all the costs involved before a contract is signed.

Finance Director Alonso said that the expense could be paid for with a subsidy from the General Fund or a loan could be secured and paid off in a two or three year period.

Vice Mayor Dotson mentioned that an annual savings of \$70,000 is projected as a result of creating the Golf Department. He stressed the importance of capital expenditures to Golf Course revenue, especially for improving the greens. A successful marketing program is not going to increase revenue as long as the greens are in poor condition.

Vice Mayor Dotson stated that the improvement would realize an immediate pay back next winter. He said that the figures presented by the Finance Director are conservative because there is a potential for a better return on the investment.

Finance Director Alonso stated that the ultimate goal is for the Golf Course operation to break even and the new turf will speed up the process to meet that goal.

Councilman Best moved to direct the City Manager to investigate the cost and proceed to secure a contract with Champion Turf for eighteen holes. Councilman Garcia seconded the motion, which carried unanimously on roll call vote.

Vice Mayor Dotson complimented Finance Director Alonso and the Golf and Country Club Advisory Board for their excellent work.

10C) Discussion Regarding Potential New Revenue Source for Water and Sewer Fund (Requested by Mayor Bain)

City Manager Borgmann stated that Mayor Bain brought it to his attention that multi-family dwelling units do not pay a base fee for water and sewer service like residential homes. The statistics from the Tax Assessor's office indicates that there are a total of 1,336 separate units and the application of base charges for the entire year would net an additional \$113,200.

Mr. Borgmann presented a spreadsheet comparing the old rate with the new rate for a building with 23-units. The total increase for the building would be \$170.25 per month or \$2,043 per year.

**

Councilman Garcia moved to extend the meeting until 12:00 midnight. Councilman Best seconded the motion, which carried unanimously on voice vote.

**

Discussion ensued regarding the amount of the base fees and what expenses they cover.

Finance Director Alonso stated that the amount was based on a rate study that was done in the

early 1990's, which is an involved process.

Councilman Garcia said that he would like to know if the base fees are enough before making a decision.

City Manager Borgmann explained that the City must acquire the services of an independent consultant to perform a rate study and certify the results.

Mayor Bain explained that the single-family homeowners are carrying the burden for the sewer system, while the renters in an apartment building are using the same water and sewer and not paying their fair share to support the system.

City Manager Borgmann stated that there is a tiered rate structure for water depending on the consumption ranging from 5,000 to 15,000 gallons. The rate for consumption more than 15,000 is much higher.

Councilman Garcia inquired about the status of the report from Post, Buckley, Schuh & Jernigan (PBS&J) on the sewer system television work.

City Manager responded that the PBS&J report is expected this week and he will schedule an agenda item for the March 13, 2006 Regular Meeting.

Councilman Youngs moved to direct the City Manager to prepare the appropriate ordinance to implement the rate change and Councilman Garcia seconded the motion, which carried unanimously on roll call vote.

10D) Approval of Change Order No. 1 to Purchase Order No. 051792 for the City Hall Air Conditioning Renovation in the Amount of \$3,379.72

City Manager Borgmann requested Council approval of Change Order No. 1 to Purchase Order No. 051792 for the City Hall air conditioning renovation in the amount of \$3,379.72. This amount covers the smoke detectors that were not included in the original bid.

To answer Vice Mayor Dotson's question, Public Services Director Denise Yoezle clarified that there was no way to determine the number of smoke detectors during the design phase. The only way to tell was after the ceiling and the old units were removed and at that point the contractor said that they had to be installed according to code.

**

Councilman Garcia moved to extend the meeting until 12:15 a.m. and Councilman Youngs seconded the motion, which carried unanimously on voice vote.

**

Discussion ensued regarding the new air conditioning system, which is controlled by a computer.

Councilman Youngs moved to approve the change order and Councilman Garcia seconded the motion, which carried 5-0 on roll call vote.

10E) Consideration of Plaintiff's Motion for Attorney's Fees and Costs Regarding the Complaint for Declaratory and Injunctive Relief Filed Against the City of Miami Springs for the January 31, 2006 Special Charter Election

City Attorney Jan Seiden stated that there is a hearing set for March 15, 2006 at 8:00 a.m. when the judge will determine if he intends to assess attorney's fees against the City or the Citizen Petitioner's group. He will attend and defend the City's position that the City should not have to pay the legal fees ranging from \$22,000 to \$25,000.

Further discussion ensued regarding the initiative process and Council's position on the payment of the legal fees.

**

Councilman Garcia moved to continue the meeting to 12:30 a.m. and Vice Mayor Dotson seconded the motion, which carried unanimously on voice vote.

**

Mayor Bain was of the opinion that Attorney Seiden should represent and protect the City from paying the attorney's fees.

Council directed the City Attorney to use his legal skill and arguments to protect the City from paying the attorney's fees.

City Attorney Seiden informed Council that he had again received correspondence regarding the initiative procedure and that he would respond that from now on the City will follow the same procedures as the County. The Judge ruled that the County Charter provision is the only method by which a municipal charter can be changed in a Home Rule County.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Budget Request

City Manager Borgmann distributed copies of his response to Senator Nelson regarding the budget request for federal assistance to help build a new gymnasium and performing arts theater at the Recreation Center.

Fiscal Year

Referring to the election discussion at the February 13th Council meeting, Mr. Borgmann said that Florida Statutes Section 218.33 states that municipal budgets in the State of Florida shall adopt a fiscal year period of October 1 through September 30th.

Transportation Study

The City Manager stated that the final report from PBS&J on transportation will be provided to Council as soon as possible.

Super Bowl

City Manager Borgmann reported that he attended a meeting of the City Managers on Friday, February 24th and the guest speaker was Rodney Barreto ~~Barretta~~ who is the Chairman of the Host Committee for the Super Bowl next year in Miami. Hopefully the City will benefit by increasing business for the hotels, rental car companies and businesses that are close to the airport.

Junior Orange Bowl Committee

City Manager Borgmann informed Council that he turned down the position of President Elect of the Junior Orange Bowl Committee and accepted the position of Vice President.

News Conference

City Manager Borgmann reported that Channel 4 broadcasted a news story that will be picked up by the major networks tomorrow after a 10:00 a.m. news conference at City Hall regarding a prisoner that the Miami Springs Police Department transported to Turner Gilford Knight (TGK) Correctional Facility. There was some inappropriate behavior on behalf of one of the guards, the prisoner was injured as a result and now the videotape of the incident is missing. He said that the City of Miami Springs will be associated with the incident although it did nothing wrong.

12C) City Council

Little League

Vice Mayor Dotson stated that the Little League inauguration was a tremendous event that was a credit to the City. He is proud that the City has these types of events and the volunteers that make it possible.

Comprehensive Land Use Plan

Vice Mayor Dotson requested scheduling an agenda item to discuss the Airport Highway Marine Business District Land Use Plan.

City Manager Borgmann added that he received a request from Henry Pino of Strategic Properties to address Council at the next meeting.

Council **directed** the City Manager to inform Mr. Pino that his presentation should be postponed until some decisions are made about the zoning changes.

Little League

Councilman Best said that it is the first time in the history of the Little League that the entire Council, City Manager and Assistant City Manager attended the opening ceremonies.

City Manager Borgmann stated that the real tribute is that the Little League was close to folding and a few individuals stepped up to the plate and hit a home run.

Light Poles

Councilman Garcia thanked Public Services Director Denise Yoezle for the crews that are fixing the light poles. He noticed one pole with a missing electrical plate on South Drive and Palmetto.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 12:30 a.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as amended during meeting of: 3/13/2006.

Page 11, last paragraph

Page 27, second paragraph

Transcription assistance provided by S. Hitafer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.